IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5376 of 2006

Date of Decision: 13.10.2006

Bakhtaur Singh ...Petitioner

Vs.

Jora Singh ...Respondent

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mohd. Salim, Advocate,
for the petitioner.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against the order dated 29.9.2006 passed by the learned Trial Court declining the application moved by the petitioner to lead additional evidence.

Learned court below came to the conclusion that the petitioner had already availed as many as 5 opportunities for leading evidence and thereafter of his own closed evidence on 31.5.2006. After the expiry of a period of about 8 months present application was moved to examine Hand-writing Expert by way of additional evidence.

Learned court below came to the conclusion that the evidence sought to be produced was very much within the knowledge of the petitioner when the evidence was being led and the present application is only an attempt to prolong the proceedings.

Learned counsel for the petitioner contends that the petitioner had taken clear-cut stand in the written statement that the signatures on the

pronote were forged. He further contends that an issue regarding the genuineness of the document has also been framed and in this view of the situation it was incumbent upon the learned Trial Court to have allowed the additional evidence. The contention of the learned counsel for the petitioner cannot be accepted as the learned Trial Court was right in coming to the conclusion that this was the stand of the petitioner throughout the case and therefore, he should have led the evidence when he availed five opportunities and closed his case.

There is no error in exercise of jurisdiction by the learned trial court which may call for any interference by this court in revisional jurisdiction.

Dismissed.

(Vinod K.Sharma)
Judge

13.10.2006
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